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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/812,417	03/19/2001	Tara Burnhouse	80398.P349	2453
8791	7590	03/09/2004	EXAMINER	
BLAKELY SOKOLOFF TAYLOR & ZAFMAN 12400 WILSHIRE BOULEVARD, SEVENTH FLOOR LOS ANGELES, CA 90025			NGUYEN, CAO H	
		ART UNIT		PAPER NUMBER
		2173		8
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Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No. <b>09/812,417</b>	Applicant(s) <b>Burnhouse et al.</b>
Examiner <b>Cao (Kevin) Nguyen</b>	Art Unit <b>2173</b>

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

1)  Responsive to communication(s) filed on Dec 24, 2004

2a)  This action is **FINAL**.      2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

4)  Claim(s) 1-28 is/are pending in the application.

4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-28 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are a)  accepted or b)  objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)  The proposed drawing correction filed on \_\_\_\_\_ is: a)  approved b)  disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.

12)  The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

13)  Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some\* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

14)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a)  The translation of the foreign language provisional application has been received.

15)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

1)  Notice of References Cited (PTO-892)

2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)  Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_

4)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_

5)  Notice of Informal Patent Application (PTO-152)

6)  Other: \_\_\_\_\_

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless—

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Davis et al. (US Patent No. 5,822,123).

Regarding claim 1, Davis discloses a method for indicating future program action on a future program information display comprising: providing future program information for a plurality of future programs [an electronic program schedule or cablecast TV programs for a plurality of TV channels and tuner for tuning plurality of channels..see Davis col. 5, lines 48-67], at least one future program being selected by a user; providing, on a future program actions menu, a plurality of future program actions for the selected future program, at least one future program action being selected by the user [..such highlighted information reminds the user and the service indicator..see Davis col. 16, lines 4-38]; receiving the selected at least one future program and the selected at least one future program action from the user; and displaying the

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future program information of the selected at least one future program with an indicator such that the indicator indicates the selected at least one future program action [..a logo icon appears in a window directly above date/time identifier, which alternatively displays the current date and time..see Davis col. 17, lines 15-67 and col. 18, lines 6-52].

Regarding claim 2, Davis discloses wherein the indicator is an action-descriptive icon [..all listing icon in the top horizontal bar identifies a category listing.., see Davis col. 18, lines 53-67].

Regarding claim 3, Davis discloses wherein the future program actions menu comprises features selected from the group consisting of a return feature, allowing user to navigate back to preference menu, and a help feature, allowing user to navigate to several dependent help categories, the features being able to be selected by a user (see Davis Col. 19, lines 1-67).

Regarding claim 4, Davis wherein the selected at least one future program is indicated by highlighting (see col. 20, lines 26-60).

Regarding claim 5, Davis discloses wherein the future program actions menu is displayed in a pop up window on the monitor display screen (see Davis figures 6-12).

Regarding claim 6, Davis discloses wherein the selected at least one future program action includes actions selected from the group consisting of recording the selected at least one future program, notifying the user of the display schedule of the selected at least one future program, and preventing the display of the selected at least one future program (see col. 21, lines 1-65).

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Regarding claim 7, Davis wherein the start and/or stop times of the selected at least one future program action does not match the start and/or stop times of the selected at least one future program (see col. 34, lines 1-56).

Regarding claim 8, Davis discloses wherein the future program actions menu includes a source option such the selected future program action will affect all future programs from a user-specified source (see Davis col. 33, lines 4-67).

Regarding claim 9, Davis discloses a machine-readable medium that provides instructions, which when executed by at least one processor, causes the at least one processor to perform a method comprising: providing future program information for a plurality of future programs, at least one future program being selected by a user; providing, on a future program actions menu, a plurality of future program actions for the selected future program, at least one future program action being selected by the user; receiving the selected at least one future program and the selected at least one future program action from the user; and displaying the future program information of the selected at least one future program with an indicator such that the indicator indicates the selected at least one future program action (see col. 37, lines 8-25 and figures 43A-47).

As claims 10-28 are analyzed as previously discussed with respect to claims 1-9 above.

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*Response to Arguments*

3. Applicant's arguments filed on 12/24/03 have been fully considered but they are not persuasive.

On pages 9 of the Remark, Applicant argues that Davis does not teach or suggest "at least one future program action being selected by the user". However, the limitations as claimed set forth to reply upon "When the user first enters the BROWSE mode and begins scanning channels, the schedule information appearing in the overlay portion describes the programs currently playing on any particular channel. In order-to-view-programming information for later or earlier times, the user employs the left and right-direction arrows. As a consequence, the system will display future program schedule information for the particular channel previously selected by the up and down direction arrows, whether it is the channel currently being viewed or any other available channel. The schedule information presented includes the name of the program and program start/stop time. The instant embodiment of the system, in order to conserve memory, will not allow the user to view programming information for a time prior to the current time. The system could be easily modified to provide such information if adequate memory is made available. It may be desirable, for example, to allow a user to view schedule information for an earlier time to find a particular show and then allow the user to command the microcontroller to find and display future airing dates of the show, or the microcontroller could simply do this automatically. When viewing program schedule information for a future time in the BROWSE mode, the displayed time of airing of the particular show is highlighted, as well as

the channel number and service indicator, as shown in FIG. 12A. Such highlighted information reminds the user that he is viewing program schedule information for a future time. Also, when viewing program schedule information for a future time on any particular channel in the BROWSE mode, depression of the channel up direction arrow key on the remote controller causes programming schedule information for the next channel to appear, which corresponds in time to the future time that was being viewed before the up key was depressed by the user. The channel down direction arrow key functions identically in this mode. If while viewing program schedule information for a future time in BROWSE mode the user depresses the ENTER key on the remote controller, the microcontroller 16 will instruct the VDG 23 to display a REMINDER overlay message which, as shown in FIG. 13, is displayed as a second overlay appearing above the BROWSE overlay. The REMINDER message queries the user as to whether the system should remind the user, at a predetermined time before the start of the selected program, that he or she would like to view the selected program, as shown in FIG. 13. If the user responds affirmatively, the microcontroller stores reminder data consisting of at least the channel, time and day of the selected program in a reminder buffer, which contains similar schedule information for all programs for which the user has set a reminder. At a pre-determined time before the selected program start time, for example, five minutes, the microcontroller 16 will retrieve schedule information, including title and service, based on the reminder data, and will instruct the VDG 23 to display a REMINDER overlay message on the television receiver, as shown in FIG. 14, to remind the user that he or she previously set a reminder to watch the

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selected program. The REMINDER message contains the channel, service and start time. It also displays the number of minutes before the time of airing of the particular show and updates the display every minute until the time of airing. The REMINDER message also displays a "TUNE" inquiry, which asks the user if she would like to tune to the selected program." which broadly read on Davis.

On pages 9 of the Remark, Applicant argues that Davis does not teach or suggest "displaying the future program information of the selected at least one future program with an indicator such that the indicator indicates the selected-at-least-one future program action". However, the limitations as claimed set forth to reply upon "The pop-up hints concept of the present invention also has utility in, and may be readily extended to, many types of applications software programs run on a personal computer or other type of data processor. For example, user help that appears on screen after a predetermined period of inactivity in a defined context may be used as follows. Existing hints on a computer running a graphical operating system appear only when the user moves the screen indicator over an on-screen control such as a "button" or a menu entry. If the user is a novice to computers, it may not be readily apparent that the user may manipulate a mouse to move the on-screen indicator over on-screen controls. Using the present invention, the system may be configured to display a message after a predetermined period of inactivity, informing the user of his or her options whether or not the screen indicator is over an on-screen control." which broadly read on Davis.

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Accordingly, the claimed invention as represented in the claims do not represent a patentable distinction over the art of record.

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. (PTO-892).

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).  
Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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*Response*

6. Responses to this action should be mailed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231. If applicant desires to fax a response, (703) 308-9051 may be used for formal communications or (703) 305-9724 for informal or draft communications.

Please label "PROPOSED" or "DRAFT" for informal facsimile communications. For after final responses, please label "AFTER FINAL" or "EXPEDITED PROCEDURE" on the document.

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA. Sixth Floor (Receptionist).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cao (Kevin) Nguyen whose telephone number is (703) 305-3972. The examiner can normally be reached on Monday-Friday from 8:30 am to 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Cabeca, can be reached on (703) 308-3116. The fax number for this group is (703) 308-6606.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3800.

CAO (KEVIN) NGUYEN  
PRIMARY EXAMINER

March 7, 2004

